

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare-Visakhapatnam District-Revision Petition filed by Sri Bolem Appala Naidu S/O Ramachandrudu R/o K.D.Peta (V) Golugonda (M) Visakhapatnam District under Sec 6 of A.P.S.A.L.T.R 1959, against the Orders of the Additional Agent to Government Paderu in AS No: 59/04 dated : 17-11-2006-Dismissed –Orders-Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms No: 153

Dated:29-07-2008.

Read the following:

1. From Sri S.V.Ramakrishna Counsel for the petitioner dated:28-12-2006.
2. Government Memo No: 375/LTR2/2007 Dated: 01-02-2007.
3. From Project Officer, I.T.D.A & Additional Agent to Government in RC.No: 48/2007 dated: 26-02-2007.
4. Government Memo No:375/LTR2/2007 Dated:03-09-2007, 06-11-07 and 08-03- 2008.

ORDER:

In the reference first read above Sri Bolem Appala Naidu S/O Ramachandrudu R/O K.D.Peta (V) Golugonda (M) Visakhapatnam District has filed a Revision Petition aggrieved by the orders of the Additional Agent to Government, Paderu in AS No:59/04/LTR dated:17-11-2006 in respect of lands situated in Kondagokiri (V) Koyyuru (M) in survey No:74 to an extent of Acres 8.64 cents of Visakhapatnam District . The Main Grounds of the Revision Petition among others are:

1. The Petitioner has been in possession and enjoyment of the land in question for the last 60 years or more, since his child-hood, along with his mother “Narayana”
2. The name of the petitioner is incorporated in 10(1) account in respect of the said land. True copies of 10(1) account for 1956-57 and thereafter, rent reduction statement etc. which are in the name of Bolem Narayana (the mother of petitioner) proves his right to get Settlement Patta. Thus, he inherited the same from his mother.
3. The petitioner also paid LR in respect of the said land but not considered by the Project Officer, Paderu.
4. The Revenue authorities also granted Patta Pass Book in favour of Petitioner.
5. His case for settlement Patta is said to be disposed off by the Director of Settlements but till this day no order is received , therefore , the claim for settlement Patta is still pending.

2. The brief history of the case is that Sri Lotha Naganna Dora S/O Late Venkanna Dora, ST, R/O Kondagokiri village of Koyyuru Mandal, submitted representation that the non-tribal Bolem Appalanaidu R/O KD Peta Village, Golugonda Mandal in Visakhapatnam is in occupation of land measuring Acres 8.64 in Survey No: 74 at Kondagokiri village in contravention of LTR Provisions. The non-tribal respondent failed to show any documentary evidence to establish his legitimate right over the suit schedule land. Hence the Special Deputy Collector (TW) Paderu passed ejectment of the respondent Bolem Appala Naidu from the suit schedule land and directed the MRO Koyyuru to take necessary action to evict the encroacher (non-tribal respondent) from the suit land and hand over the land to the rightful legal heir of the petitioner and passed orders in LTR No:274/92 dated:24-09-2003. Aggrieved by the order of the Special Deputy Collector (TW) Paderu Sri Bolem Appala Naidu filed an appeal before the Additional Agent to Government.

3. The Additional Agent to Government after observation of the facts and records held that the land in Survey No: 74 measuring an extent of Hectares 3.50 was recorded with patta No: 38 in favour of 1. Lotha China Simhachalam S/O China Abbaidora (minor) guardian Mother Nookalamma 2) Lotha Naganna Dora S/O Venkannadora and 3) Lotha Simhachalam S/O China Abbaidora as joint pattedars with other lands as per the Settlement Fair Chitta No:153 of Kondagokiri village. The respondent (ST) is the son of 2nd tribal Pattedar Lotha Nagannadora. The Appellant Bolem Appalanaidu failed to prove how he acquired the immovable property as required under the provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulation

1959. The appellant is a non-tribal and non-resident in the scheduled area and he is resident of KD Peta Village of Golugonda Mandal, which is a plain area. Hence the Additional Agent to Government & PO ITDA Paderu upheld the lower court Orders and dismissed the appeal in his proceedings A.S.No:59/2004, dated:17-11-2006. Aggrieved by the orders of the Additional Agent to Government filed the Revision Petition before the Government.

4. In the reference 2nd read above, the Collector, Visakhapatnam was requested to furnish the remarks and records through the reference 3rd read above the same were furnished. After careful examination of the parawise remarks and case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 17-09-2007, 20-11-2007 and was finally heard on 27-03-2008. Neither the parties to the case nor their counsel were present for the hearings.

5. Government after careful examination of the material evidence on record found that the Kondagokiri village in Koyyuru Mandal of Visakhapatnam District is an Inam Estate and taken over by the Government on 29-07-1955 under EA Act, 1948. This village was also declared as Scheduled area under the provisions of APSALTR Act 1959 as amended by 1/70. The Settlement Officer, Anakapalli granted ryotwari pattas in favour of STs rejecting the claims of non-tribals as they were not in possession and enjoyment of the schedule lands prior to the notified date of Estates and that RR statement of the village for 1365 Fasli clearly shows that the non-tribal claimants were not ryots during pre-abolition period. The appeal filed by the petitioner and his mother Bolem Narayanamma W/O Ramachandrudu before the Director of settlement Officer in A.P No: 414/79 was rejected and orders of Settlement Officer issued on 31-10-1997 were upheld. Hence, his contention of possession since 1956-57 is not correct, else he should have been granted settlement patta. The petitioner failed to prove before the lower courts as to how he acquired the immovable property as required under Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959. Moreover, he is a non-tribal and non-resident of agency area. The petitioner is an encroacher in the patta land belonging to ST and the claim made by his mother for granting Settlement Patta was disallowed by the Settlement Officer, Anakapalli and also by the Director of Settlements. The LR receipts also found not relevant to the suit schedule land as held by the Additional Agent to Government & Project Officer, ITDA Paderu.

6. Government after careful examination of the case records of the petitioner hereby held that there are no reasons to interfere with the orders of the lower courts and hence uphold the orders of the Additional Agent to Government in A.S.No:59/2004/LTR, Dated:17-11-2006, and dismissed the Revision Petition accordingly.

7. The Collector Visakhapatnam District / Project Officer, ITDA, Paderu is requested to take necessary action in the matter. The counsel for the petitioner is requested to inform the same to his clients.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,
Prl.Secretary to Government

To:

The Collector, Visakhapatnam District (w.e)

(With RPAD of the following records)

1. A.S No: 59/2004/LTR No: 274/92 containing 214 pages and

2.LTR No: 274/92 containing 39 pages)

The Additional Agent to Government & PO ITDA,Paderu.

The Special Dy.Collector, (TW) Paderu,

Sri S.V.Ramakrishna , Advocate,

MIG-506,III Phase,KPHB, Kukatpally, Hyderabad-72.

Sri Bolem Appala Naidu S/O Ramachandrudu R/o K.D.Peta (V)

Golugonda (M) Visakhapatnam District

Sri Lotha Atchannadora S/o Late Nagannadora (ST)

R/o Kondagokiri vg. Koyyuru (M) Visakhapatnam.

SF/SCs

Copy to the P.S. to M(TW&RIAD)

FORWARDED:BY ORDER

SECTION OFFICER